

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:
UNITED STATES OF AMERICA	:
	:
-v.-	:
	:
	: PRELIMINARY ORDER OF
	: FORFEITURE AS TO
	: <u>SUBSTITUTE ASSETS</u>
	:
PAUL GABRIEL AMOS,	:
a/k/a "Paul Amos Gabrielle,"	: 09 Cr. 149 (PAC)
a/k/a "Amos Paul,"	:
	:
Defendant.	:
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WHEREAS, on or about August 13, 2009, PAUL GABRIEL AMOS, a/k/a "Paul Amos Gabrielle," a/k/a "Amos Paul," (the "defendant"), was charged in a one-count Information, S1 09 Cr. 149 (PAC) (the "Information"), with conspiracy to commit wire fraud and bank fraud, in violation of Title 18, United States Code, Section 1349 (Count One);

WHEREAS, on or about August 13, 2009, the defendant pled guilty to Count One of the Information and admitted to the forfeiture allegation, pursuant to a plea agreement with the Government, wherein the defendant agreed to forfeit a sum of money in the amount of \$3,814,725 in United States currency, representing the amount of proceeds obtained as a result of the offenses alleged in the Information;

WHEREAS, on or about February 11, 2011, this Court entered an Order of Forfeiture imposing a forfeiture money judgment against the defendant in the amount of \$3,814,725 in United States Currency (the "Money Judgment") (D.E. 16);

WHEREAS, the entirety of the \$3,814,725 Money Judgment against the defendant remains unpaid;

WHEREAS, as a result of acts and/or omissions of the defendant, the proceeds of the offenses cannot be located upon the exercise of due diligence, have been transferred, sold to or deposited with a third party, have been placed beyond the jurisdiction of the Court, or have been commingled with other property which cannot be divided without difficulty; and

WHEREAS, the Government has identified the following specific assets in which the defendant has an ownership interest:

- (1) Approximately \$10,100 in United States currency seized from Paul Gabriel Amos, a/k/a "Paul Amos Gabrielle," a/k/a "Amos Paul" (the defendant) on or about January 15, 2009 in Los Angeles Airport; and
- (2) Approximately 20 Singaporean Dollars seized from the defendant on or about January 15, 2009 in Los Angeles Airport;

(together, the "Substitute Assets");

NOW IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT:

1. All of the defendant's right, title and interest in the Substitute Assets is hereby forfeited to the United States of America, for disposition in accordance with the law, subject to the provisions of Title 21, United States Code, Section 853(n).

2. Upon entry of this Order, the United States Marshals Service (or its designee) is hereby authorized to take possession of the Substitute Assets and to keep them in its secure custody and control.

5. Pursuant to Title 21, United States Code, Section 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, the United States is permitted to publish forfeiture notices on the government internet site, www.forfeiture.gov. This site incorporates the forfeiture notices that have been traditionally published in newspapers. The United States forthwith shall publish notice of this Preliminary Order of Forfeiture of Substitute Assets for at least thirty (30) consecutive days. Any person, other than the defendant in this case, claiming an interest in the Substitute Assets must file a petition within sixty (60) days from the first day of publication of the notice on this official government internet site, or no

later than thirty-five (35) days from the mailing of actual notice, whichever is earlier.

6. The published notice of forfeiture shall state that the petition (i) shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Substitute Assets, (ii) shall be signed by the petitioner under penalty of perjury, and (iii) shall set forth the nature and extent of the petitioner's right, title or interest in the Substitute Assets, the time and circumstances of the petitioner's acquisition of the right, title and interest in the Substitute Assets, and any additional facts supporting the petitioner's claim, and the relief sought, pursuant to Title 21, United States Code, Section 853(n).

7. Pursuant to 32.2(b)(6)(A) of the Federal Rules of Criminal Procedure, the Government shall send notice to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding.

8. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture with respect to the Substitute Assets, pursuant to Title 21, United States Code, Section 853(n), in which all interests will be addressed. All Substitute Asset forfeited to the United States under a Final Order

of Forfeiture shall be applied towards the satisfaction of the Money Judgment.

9. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Federal Rule of Criminal Procedure 32.2(e)

10. Pursuant to Federal Rule of Criminal Procedure Rule 32.2(b)(3), upon entry of this Order, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of the property subject to forfeiture, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

11. The Clerk of the Court shall forward three certified copies of this Preliminary Order of Forfeiture as to Substitute Assets to Assistant United States Attorney Alexander J. Wilson, Co-Chief of the Transnational Criminal Enterprises and Money Laundering Unit, United States Attorney's Office, One St. Andrew's Plaza, New York, New York, 10007.

Dated: *M. J. Wilson*
New York, New York

SO ORDERED:

Paul A. Crotty
HONORABLE PAUL A. CROTTY
UNITED STATES DISTRICT JUDGE